

turned over to the private contractors for enhanced techniques and they got nothing.

It was then determined that because the interrogation had become unproductive, he should be returned to the FBI agent and CIA agent who had twice interrogated him. It was in the third round that he disclosed information about Jose Padilla, the so-called dirty bomber, which was so important that Attorney General Ashcroft held a press conference, I believe in Moscow, to celebrate the discovery of this information. Again, for some reason, he was turned back again to the private contractors for the application of more abusive techniques, and again the flow of information stopped.

For a third time, he was returned to the FBI and CIA agents again for professional interrogation, but by now he had been so compromised by the techniques, even they were unsuccessful in getting further information.

As best as I have been able to determine, for the remaining sessions of 83 waterboardings that have been disclosed as being associated with this interrogation, no further actionable information was obtained. Yet the story has been exactly the opposite. The story over and over has been that once you got these guys out of the hands of the FBI and the military amateurs and into the hands of the trained CIA professionals, who can use the tougher techniques, that is when you get the information. In this case, at least, the exact opposite was the truth, and this was a case cited by the Vice President by name.

The costs of this could be high. There has been no accounting of the wild goose chases our national security personnel may have been sent on by false statements made by torture victims seeking to end their agony; no accounting of intelligence lost if other sources held back from dealing with us after our dissent into what Vice President Cheney refers to as the "dark side"; no accounting of the harm to our national standing or our international good will from this program; no accounting of the benefit to our enemies' standing—particularly as measured in militant recruitment or fundraising; and no accounting of the impact this program had on information sharing with foreign governments whose laws prohibit such mistreatment.

At the heart of all these falsehoods lies a particular and specific problem: The "declassifiers" in the U.S. Government are all in the executive branch. No Senator can declassify, and the procedure for the Senate as an institution to declassify something is so cumbersome that it has never been used. Certain executive branch officials, on the other hand, are at liberty to divulge classified information. When it comes out of their mouth, it is declassified because they are declassified. Its very utterance by those requisite officials is a declassification. What an institutional advantage. The executive

branch can use, and has used, that one-sided advantage to spread assertions that either aren't true at all or may be technically true but only on a strained, narrow interpretation that is omitted, leaving a false impression, or that sometimes simply supports one side of an argument that has two sides—but the other side is one they don't want to face up to and don't declassify.

One can hope the Obama administration will be more honorable. I suspect and believe they will be. But the fact is that a cudgel that so lends itself to abuse will some day again be abused, and we should find a way to correct that imbalance. It is intensely frustrating to have access to classified information that proves a lie and not be able to prove that lie. It does not serve America well for Senators to be in that position.

Chairman LEVIN has already done excellent work in the Armed Services Committee, and there is no reason to believe that good work won't continue. Chairman ROCKEFELLER has done excellent work in the Intelligence Committee, and his successor, Senator FEINSTEIN, has picked up the mantle and continues forward with energy and determination. We can be proud of what she is doing. Chairman LEAHY has begun good work in the Judiciary Committee, and more will ensue when we see the report of the Department of Justice Office of Professional Responsibility about what went wrong in the Office of Legal Counsel. The new administration, I hope and expect, is itself drilling down to the details of this sordid episode and not letting themselves be fobbed off with summaries or abridged editions. In short, a lot is going on, and a lot should be going on.

While it is going on, I want my colleagues and the American public to know that measured against the information I have been able to gain access to, the story line we have been led to believe—the story line about waterboarding we have been sold—is false in every one of its dimensions.

I ask that my colleagues be patient and be prepared to listen to the evidence when all is said and done before they wrap themselves in that story line.

I thank the Presiding Officer. I know the hour is late. I appreciate his courtesy.

#### HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Major Matthew Philip Houseal, from Amarillo, TX. Matthew was 54 years old when he lost his life on May 11, 2009, from injuries sustained from a noncombat related incident in Baghdad, Iraq. He was a member of the 55th Medical Company, U.S. Army Reserve, Indianapolis, IN.

Today, I join Matthew's family and friends in mourning his death. Matthew will forever be remembered as a

loving husband, father, son, and friend to many. He is survived by his wife Dr. Luzma Houseal; seven children, Teresa, Catherine, David, Isabel, Patrick, Monica and Kelly; his parents, William and Helen Houseal; eight siblings, Dr. Timothy Houseal and wife Leslie, U.S. Army Retired LTC Stephen Houseal and wife Julie, Joseph Houseal, Friar David Houseal, John Houseal and wife Gail, U.S. Air Force COL Anne T. Houseal and husband Paul Houser, Elizabeth Nightingale, and Maria Johnston and husband Jeff; 26 nieces and nephews; and a host of other friends and relatives.

Matthew, a native of Washington, DC, grew up in St. Joseph, MI, and received a bachelor's degree, master's degree, and medical degree from the University of Michigan. He spent his surgical internship at Henry Ford Hospital and went through the Officers Training School in the U.S. Navy. He served his psychiatry residency at Texas Tech University in Lubbock, TX, and spent over a decade at the Texas Panhandle Mental Health Mental Retardation, where he was a beloved member of the staff. He joined the Army Reserve as a major in 2007.

Matthew had many passions in life: known as a brilliant physician and an insatiable learner, Matthew held a private pilot license and was a certified flight instructor with more than 10,000 hours of flight time in different types of aircraft. His extraordinary accomplishments were only rivaled by his passion for his family, especially his seven children.

While we struggle to express our sorrow over this loss, we can take pride in the example Matthew set as a soldier and as a father. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Matthew's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of MAJ Matthew Philip Houseal in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Gary's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Matthew.

#### TIMETABLE FOR SOTOMAYOR HEARING

Mr. GRASSLEY. Mr. President, earlier today, Chairman LEAHY announced July 13 as the start date for the Judiciary Committee hearings on Supreme Court Justice nominee Sonia Sotomayor. I am extremely disappointed with this unilateral decision on the part of my Democratic colleagues. In the past, the decision of when to start these Supreme Court hearings has been a bipartisan one. With the Roberts and Alito nominations, Republicans worked with our colleagues to accommodate Democrat concerns about the timing of the hearings for the highest court in the land. Senators LEAHY and SPECTER held joint press conferences announcing the Roberts and Alito hearings.

I would have hoped that Ranking Member SESSIONS and Judiciary Committee Republicans would have gotten the same courtesy for President Obama's nominee. Yet I understand that Ranking Member SESSIONS had no idea that Chairman LEAHY was going to the floor to make this July 13 announcement, and that he was not consulted about this decision. Clearly the July 13 date is not a bipartisan decision.

Moreover, July 13 is just not enough time to prepare for a thorough and careful review of Judge Sotomayor's record and qualifications to be a Supreme Court Justice. First, July 13 is a mere 48 days from the nomination announcement to the hearing, which is shorter than the timeframe for Justices Roberts and Alito. Moreover, Justice Roberts had just a few hundred decisions for the Judiciary Committee to analyze. Judge Sotomayor has over 3,000 cases over a 17-year period on the Federal bench for us to study. The Alito confirmation hearing timeframe is probably a better comparison since Justice Alito had a similar large number of decisions.

With respect to concerns that criticisms have been lodged against the nominee, we don't control what outside groups say, but I do know that Senate Republican members have treated Judge Sotomayor fairly and have not engaged in personal attacks. So the idea that Judge Sotomayor needs a hearing scheduled as soon as possible to respond to criticisms by outside groups just doesn't hold water.

In addition, the Judiciary Committee has yet to receive everything we need from Judge Sotomayor. I understand that her questionnaire is not complete, that we have yet to receive all her documentation, memos, speeches and unpublished opinions, that we still don't have her ABA review and FBI background report. It seems like the rushed nature of the process has contributed

to the deficiencies in the questionnaire and the number of documents that are still missing. We need all this stuff in order to fully vet the nominee.

Judge Sotomayor has an extensive record, and the July 13 timetable that Chairman LEAHY wants to impose will force us to consider a Supreme Court nominee with one of the lengthiest records in recent history in the shortest time in recent history. Republican members got no serious consideration to address concerns about timing, and no consultation or bipartisanship on setting the start date as has been done in the past.

I and my Republican colleagues are committed to give Judge Sotomayor a fair hearing, but we need to thoroughly review her extensive legal record and that takes time. It is important that we do the job right because this is a lifetime appointment and we are talking about the highest court of the land. As my Democrat colleagues have said before, the Senate cannot be a rubberstamp. We have a constitutional responsibility to carefully vet Judge Sotomayor and not rush the process. We owe this to the American people.

#### ADDITIONAL STATEMENTS

##### REMEMBERING RONALD TAKAKI

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Professor Ronald Takaki, a pioneer and leader in the field of ethnic studies. Professor Takaki passed away on May 26, 2009, at the age of 70.

Ronald Takaki, the grandson of Japanese immigrants, was born and raised in Hawaii. In his youth he was an avid surfer, earning the nickname "Ten Toes Takaki" because of his ability to perform one of the most impressive and iconic stunts a surfer can do on a surfboard. Though uninterested in school when he was younger, Takaki applied to and was accepted at the College of Wooster in Ohio; he was the first in his family to attend college. After earning a bachelor's degree in history, he attended UC Berkeley, where he received a master's and doctorate in history. It was at UC Berkeley, doing a dissertation on the history of American slavery, that Takaki found his passion.

In 1967, Takaki was hired by UCLA, where he taught the University of California's first Black history course following the tumultuous Watts riots. Though an unlikely candidate to teach the course, students quickly came to respect and admire him, and he and his class became one of the most popular on campus. In 1971, Professor Takaki returned to UC Berkeley, where he served as the first full-time teacher in the Department of Ethnic Studies.

In addition to teaching Black history, Professor Takaki also established UC Berkeley's PhD program in ethnic studies, the first of its kind in the Nation. During the 30 years he taught at UC Berkeley, Professor Takaki suc-

ceeded in his desire to make the school's curriculum more multicultural and diverse. He inspired and engaged thousands of students with his thought-provoking and insightful perspectives on race and ethnicity in the United States.

Professor Takaki was also a distinguished and prolific writer. Among his most well-known books were *Iron Cages: Race and Culture in 19th-Century America*; *A Different Mirror: A History of Multicultural America*, which won the American Book Award, and *Strangers from a Different Shore: A History of Asian Americans*, which was nominated for a Pulitzer Prize.

Professor Takaki is survived by his wife Carol; his children Troy, Todd, and Dana; his brother Michael; his sister Janet; and his seven grandchildren. I extend my deepest sympathies to his entire family.

Professor Takaki was widely considered to be the father of multiculturalism. His trailblazing spirit and love of life was evident in everything that he did, and his many years of service as an educator, writer, and activist will not be forgotten. We take comfort in knowing that future generations will benefit from his tireless efforts to make America a better place to live.●

#### COMMENDING THE U.S. ARMY CORPS OF ENGINEERS—OMAHA DISTRICT

• Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the 75th anniversary year of the establishment of the Omaha District as part of the U.S. Army Corps of Engineers.

Established on January 2, 1934, the immediate mission of the Omaha District was the creation of Fort Peck Dam in Montana, which was the first of six multipurpose main stem dams operating as part of a flood control system on the upper Missouri River. After completing the Fort Peck Dam, the Corps, operating under the Pick-Sloan Plan, went on to build the other five main stem structures on the Upper Missouri River. The Plan called for a coordinated effort with the Bureau of Reclamation for irrigation projects, flood control, navigation, and recreation facilities.

In the early 1940s, the Omaha District added military construction to its mission. Its first task was construction of Lowry Field in Colorado. Since then, the Omaha District has been involved in the construction of several historic projects, such as the Northern Area Defense Command in Cheyenne Mountain, Colorado; various missile control and launch facilities throughout the Midwest; and facilities for Space Command.

As the Cold War ended in the 1980s, the national focus switched to a stronger set of environmental principles. The Omaha District readily adopted a "green" program, providing outstanding leadership in environmental remediation. Today, the Omaha